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R. Feldman  
FL II

DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-190640

DATE: December 14, 1977

MATTER OF: Telectro Systems Corp.

DIGEST:

Question of small business concern's responsibility is not for consideration by GAO because conclusive authority over question is vested by statute in SBA.

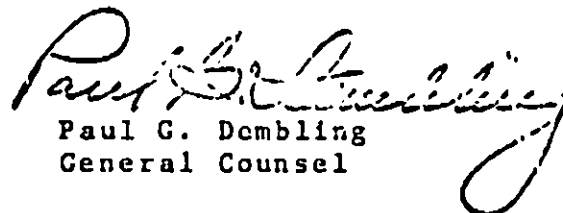
Telectro Systems Corp. (Telectro) protests the Navy's rejection of its firm as nonresponsible under solicitation No. N00024-77-B-4007 and the denial by the Small Business Administration (SBA) of a Certificate of Competency (COC).

The Navy found Telectro nonresponsible based on a negative pre-award survey. Telectro states that the Navy did not consider the firm's representations that production and delivery requirements could be met. The matter was referred to the SBA for the possible issuance of a COC. On November 1, 1977, the SBA declined to issue a COC. Telectro questions SBA's judgment in determining the firm's ability to meet the production schedule and financial position.

Under 15 U.S.C. § 637(b)(7) (1970), as amended by Pub. L. No. 95-89, § 501, 91 Stat. 553, the SBA has authority to conclusively determine all elements of responsibility. Our office does not review SBA determinations or require the SBA to issue a COC even if we disagree with the SBA's judgment because, by law, issuance of a COC by SBA is conclusive on procuring officers. Ikard Manufacturing Co., B-190053, November 1, 1977, 77-2 CPD \_\_\_\_\_. Although in appropriate cases we have taken the initiative to insure that information vital to a responsibility determination is evaluated, such action is not required here because the protester's disagreement lies with the judgment reached by SBA after evaluating the capabilities asserted by the protester. See Gallary Industries, Inc. - Request for Reconsideration, B-185963, June 16, 1976, 76-1 CPD 333.

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Accordingly, the protest is dismissed.

  
Paul G. Dembling  
General Counsel